

COMBINED DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY FOR CONTINUING APPLICATION

Docket No. P0938P1

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEPATOCYTE GROWTH FACTOR RECEPTOR ANTAGONISTS AND USES THEREOF

the specification of which (check one) ☐ is attached hereto or ☒ was filed on May 31, 1996 as International Application No. PCT/US96/08094 and assigned U.S. serial no. 08/952,235 and is being amended by Preliminary Amendment filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate have a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed
Yes No

Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications(s) listed below:

Application Ser. No.	Filing Date
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No.	Filing Date	Status: Patented, Pending, Abandoned
08/460,368	June 2, 1995	Patented

Application Ser. No.	Filing Date	Status: Patented, Pending, Abandoned
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Walter E. Buting - Reg. No. 23,092
Deirdre L. Conley - Reg. No. 36,487
Ginger R. Dreger - Reg. No. 33,055
Janet E. Hasak - Reg. No. 28,616

Wendy M. Lee - Reg. No. 40,378
Richard B. Love - Reg. No. 34,659
Diane L. Marschang - Reg. No. 35,600
Timothy R. Schwartz - Reg. No. 32,171

Sean A. Johnston - Reg. No. 35,910
Dennis G. Kleid - Reg. No. 32,037
Jeffrey S. Kubinec - Reg. No. 36,575

Craig G. Svoboda - Reg. No. 39,044
Timothy E. Torchia - Reg. No. 36,700
Daryl B. Winter - Reg. No. 32,637

Send correspondence to Genentech, Inc.

Attn: Diane L. Marschang
1 DNA Way
South San Francisco, CA 94080
Telephone: (650) 225-5416

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from his foreign patent agent as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Full name of sole or first inventor

Ralph H. Schwall

Inventor's signature

Date

Residence

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Citizenship

U.S.

Post Office Address

1 DNA Way
South San Francisco, CA 94080

Full name of second joint inventor, if any

Kelly H. Tabor

Inventor's signature

Date

Residence

1053 La Cuesta, Hillsborough, California 94010

Citizenship

U.S.

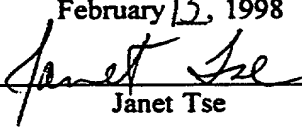
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Patent Docket P0938P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Schwall et al. Serial No.: 08/952,235 Int'l Appl. No. PCT/US96/08094 Int'l Filing Date: May 31, 1996 For: HEPATOCYTE GROWTH FACTOR RECEPTOR ANTAGONISTS AND USES THEREOF	Group Art Unit: To be assigned Examiner: To be assigned CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on February 13, 1998  Janet Tse
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DECLARATION PURSUANT TO 37 CFR 1.132

We, Ralph H. Schwall and Kelly H. Tabor, hereby declare as follows:

1. We are the named inventors of the claimed subject matter of the above-identified patent application. We have read the Preliminary Amendment which is being submitted along with this Declaration. We understand that the Preliminary Amendment requests correction of certain amino acids and nucleotides in the 5D5 Fab heavy chain sequence.

2. As disclosed in the present application, the Fab fragments of the 5D5 monoclonal antibody were obtained by papain digestion. The Fab light chain and heavy chain was sequenced, cloned, and expressed. The amino acid sequence and nucleotide sequence for the heavy chain was disclosed in the present patent application in Figure 1B. After the filing of the present application, it came to our attention that the sequences recited in the present application for the heavy chain contained errors.

3. Specifically, when the 5D5 Fab heavy chain was expressed and later re-sequenced, it was discovered that the amino acid in position 1 of the heavy chain sequence is a glutamine residue. It was also discovered that the amino acid at position 43 is a glutamine, not a proline. Likewise, the codon which encodes the glutamine at position 43 in the heavy chain is CAA, not CCA. To the best of our knowledge, these errors arose during routine sequencing of the heavy chain sequence.

Accordingly, the sequences for the heavy chain recited in the application, as filed, were disclosed without any deceptive intent on our part.

4. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2-10-98
Date

Ralph H. Schwall
Ralph H. Schwall

2/10/98
Date

Kelly H. Tabor
Kelly H. Tabor